

Notice of Allowability

Applicati n No.

09/852,709

Examin r

Mike Stahl

Applicant(s)

HEIKS ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the corresp ndence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10/31/03.
2. ☒ The allowed claim(s) is/are 1,3,4,7-18,21-28 and 32-58.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☒ including changes required by the proposed drawing correction filed 11 March 2003, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

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This office action is in response to the amendment filed October 31, 2003. The changes to the specification and claims have been entered. Claims 1, 3, 4, 7-18, 21-28, and 32-58 remain under consideration. All objections and rejections made in the last office action are withdrawn in view of the amendment and its accompanying remarks.

Information Disclosure Statement

The information disclosure statements submitted April 11, April 15, August 21, October 1, November 3, and November 13, 2003 have been considered. Initialed copies of the citation forms are attached.

Allowable Subject Matter

Claims 1, 3, 4, 7-18, 21-28, and 32-58 are allowed.

Applicant amended claim 1 to further recite that there exists an open switch position wherein light exiting one of the second fibers is deflected such that it does not reach any of the first fibers. The previously applied Cannon et al. reference (US 4973127) fails to disclose or suggest deflection of light away from the opposing plug when the plugs are not mated. Claims 3 and 4 are allowed by dependence from claim 1.

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Claim 7 was identified as containing allowable subject matter in the last office action. Applicant amended claim 7 into independent form incorporating the limitations of parent claims 5 and 6. Claims 8-18 are allowed by dependence from claim 7.

Claims 21, 23, 25, and 27 were identified as containing allowable subject matter in the last office action. Applicant amended each of these claims into independent form incorporating the limitations of parent claim 20. Claims 22, 24, 26, and 28 are allowed by dependence from claims 21, 23, 25, and 27 respectively. It is noted that applicant referred to claims 22-28 as being dependent from claim 21 in the remarks. This appears to be an inadvertent omission.

Claim 32 was identified as containing allowable subject matter in the last office action. Applicant amended claim 32 into independent form incorporating the limitations of parent claims 30 and 31. Claims 33-42 are allowed by dependence from claim 32.

Applicant amended claim 43 to recite that the mounting structure is movably attached to the first and second waveguide holding members. In the previously applied Heitmann et al. reference (US 5390266), the element which was interpreted in the rejection as a mounting structure does not move relative to the elements which were interpreted as first and second holding members. There is no apparent motivation to modify the Heitmann device to include this feature. Claims 44-58 are allowed by dependence from claim 43.

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Conclusion

Any inquiry concerning this communication should be directed to Mike Stahl at (571) 272-2360. Official communications which are eligible for submission by facsimile and which pertain to this application may be faxed to (703) 872-9306. Inquiries of a general or clerical nature (e.g., a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at (703) 308-0956 or to the technical support staff supervisor at (703) 308-3072.

MJS

Michael J. Stahl
Patent Examiner
Art Unit 2874

January 23, 2004